

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

KURT HILL, on behalf of himself and all others  
similarly situated,

SUMMONS IN A CIVIL CASE

CASE NUMBER:

v.

VERIFONE HOLDINGS, INC., DOUGLAS G.  
BERGERON, and BARRY ZWARENSTEIN

CW

07

6238

TO: (Name and address of defendant)

MHP

VERIFONE HOLDINGS, INC.  
2099 Gateway Place, Suite 600  
San Jose, CA


**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

KAPLAN FOX & KILSHEIMER LLP  
Laurence D. King (SBN 206423)  
350 Sansome Street, Suite 400  
San Francisco, CA 94104  
Telephone: (415) 772-4700

an answer to the complaint which is herewith served upon you, within 40 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking  
CLERK

DATE DEC 10 2007

  
(BY) DEPUTY CLERK

MARY ANN BUCKLEY

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and Complaint was made by me <sup>1</sup>		DATE
Name of SERVER		TITLE
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served Personally upon the Defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (<i>specify</i>): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 40%;"> <p>Executed on _____</p> <p style="text-align: center;"><i>Date</i></p> </div> <div style="width: 40%;"> <p>_____</p> <p style="text-align: center;"><i>Signature of Server</i></p> </div> </div> <div style="margin-top: 10px;"> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>Address of Server</i></p> </div>		
<p>(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure</p>		

Attorney Or Party Without Attorney (Name and Address)		Telephone:		FOR COURT USE ONLY	
LINDA M. FONG, ESQ. (124232) KAPLAN FOX & KILSHEIMER LLP 350 Sansome Street, Suite 400 San Francisco, California 94104		(415) 772-4700			
Attorneys for: PETER LIEN		Ref. No. Or File No. W2488561			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: KURT HILL					
Defendant: VERIFONE HOLDINGS, INC.					
<b>PROOF OF SERVICE</b>		Date:	Time:	Dept/Div:	Case Number: CV 07-6238 MHP

I, Mike Weeker, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, over the age of eighteen, and not a party to the within action;

I served the: SUMMONS IN A CIVIL ACTION; COMPLAINT ; INITIAL CASE MANAGEMENT SCHEDULING ORDER; CASE MANAGEMENT CONFERENCE ORDER; ADR PACKAGE; ECF REGISTRATION; CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : VERIFONE HOLDINGS, INC.

By Serving : LUCY LEE, Legal Department/Authorized to Accept Service of Process

Address : 2099 Gateway Place, Suite 600 , San Jose, California 95110

Date & Time : Tuesday, December 11, 2007 @ 12:35 p.m.

Witness fees were : Not applicable.

Person serving:

Mike Weeker

**Wheels of Justice, Inc.**

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.:

(3) County:

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 7, 2008

Signature: \_\_\_\_\_

Mike Weeker



Attorney Or Party Without Attorney (Name and Address)		Telephone:		FOR COURT USE ONLY	
LINDA M. FONG, ESQ. (124232) KAPLAN FOX & KILSHEIMER LLP 350 Sansome Street, Suite 400 San Francisco, California 94104		(415) 772-4700			
Attorneys for: PETER LIEN		Ref. No. Or File No. W2488561			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: KURT HILL					
Defendant: VERIFONE HOLDINGS, INC.					
<b>PROOF OF SERVICE</b>		Date:	Time:	Dept/Div:	Case Number: CV 07-6238 MHP

I, Mike Weeker, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, over the age of eighteen, and not a party to the within action;

I served the: SUMMONS IN A CIVIL ACTION; COMPLAINT ; INITIAL CASE MANAGEMENT SCHEDULING ORDER; CASE MANAGEMENT CONFERENCE ORDER; ADR PACKAGE; ECF REGISTRATION; CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : DOUGLAS G. BERGERON

By Serving : LINDA MORGENROTH, Receptionist

Address : 2099 Gateway Place, Suite 600 , San Jose, California 95110

Date & Time : Thursday, December 13, 2007 @ 1:00 p.m.

Witness fees were : Not applicable.

Person serving:

Mike Weeker

**Wheels of Justice, Inc.**

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 617

(3) County: Santa Clara

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 13, 2007

Signature: \_\_\_\_\_

Mike Weeker



LINDA M. FONG, ESQ. (124232)  
 KAPLAN FOX & KILSHEIMER LLP  
 350 Sansome Street, Suite 400  
 San Francisco, California 94104  
 Telephone: (415) 772-4700  
 Attorneys for: PETER LIEN

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s) : KURT HILL  
 Defendant(s) : VERIFONE HOLDINGS, INC.

Hearing Date:  
 Time: Dept.

Invoice No. W2488561	DECLARATION RE DILIGENCE	Case No. CV 07-6238 MHP
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I Mike Weeker, and any employees or independent contractors retained by  
 WHEELS OF JUSTICE, INC. are and were on the dates mentioned herein over the age of eighteen years  
 and not a party to this action. Personal service was attempted on

**DOUGLAS G. BERGERON**

- (3) Alternate Address : ,  
 (2) Business Address : 2099 Gateway Place, Suite 600, San Jose, California 95110  
 (1) Residence Address : Unknown,

<u>Date and time of attempt(s):</u>	<u>Reason for non-service:</u>	<u>Loc</u>
	Business Hours 9:00 a.m. to 5:00 p.m.	
12/11/07 12:35 p.m.	Served LUCY LEE, Legal Department on behalf of Verifone Holdins, Inc.	B
12/11/07 12:35 p.m.	Subjects not in. They are in a meeting, offsite.	B
12/12/07 10:25 a.m.	Subject not in.	B
12/13/07 1:00 p.m.	Subserved LINDA MORGENROTH, Receptionist for Bergeron and Zwarenstein.	B

This Declaration is based upon business records maintained in the normal course of business  
 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
 true and correct.

Executed on December 13, 2007

Signature: \_\_\_\_\_

Mike Weeker



Attorney Or Party Without Attorney (Name and Address): LINDA M. FONG, ESQ. (124232) KAPLAN FOX & KILSHEIMER LLP 350 Sansome Street, Suite 400 San Francisco, California 94104		Telephone: (415) 772-4700		FOR COURT USE ONLY	
Attorneys for: PETER LIEN		Ref. No. Or File No. W2488561			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: KURT HILL					
Defendant: VERIFONE HOLDINGS, INC.					
POS BY MAIL		Hearing Date:	Time:	Dept/Div:	Case Number: CV 07-6238 MHP

At the time of service I was at least 18 years of age and not a party to this action.  
On December 13, 2007, I served the within :

SUMMONS IN A CIVIL ACTION; COMPLAINT ; INITIAL CASE MANAGEMENT SCHEDULING ORDER; CASE  
MANAGEMENT CONFERENCE ORDER; ADR PACKAGE; ECF REGISTRATION; CERTIFICATION OF INTERESTED  
ENTITIES OR PERSONS

on the defendant in the within action by placing a true copy in a sealed envelope with postage fully  
prepaid for first class, in the United States mail at San Francisco, California, addressed as follows:

DOUGLAS G. BERGERON  
VERIFONE HOLDINGS, INC

2099 Gateway Place, Suite 600  
San Jose, California 95110

Person serving:

Scott Simons

**Wheels of Justice, Inc.**

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.:

(3) County:

I declare under penalty of perjury under the laws of the State of California that the foregoing  
is true and correct.

Date: December 13, 2007

Signature: \_\_\_\_\_

Scott Simons



Attorney Or Party Without Attorney (Name and Address)		Telephone:		FOR COURT USE ONLY	
LINDA M. FONG, ESQ. (124232) KAPLAN FOX & KILSHEIMER LLP 350 Sansome Street, Suite 400 San Francisco, California 94104		(415) 772-4700			
Attorneys for: PETER LIEN		Ref. No. Or File No. W2488561			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: KURT HILL					
Defendant: VERIFONE HOLDINGS, INC.					
<b>PROOF OF SERVICE</b>		Date:	Time:	Dept/Div:	Case Number: CV 07-6238 MHP

I, Mike Weeker, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, over the age of eighteen, and not a party to the within action;

I served the: SUMMONS IN A CIVIL ACTION; COMPLAINT ; INITIAL CASE MANAGEMENT SCHEDULING ORDER; CASE MANAGEMENT CONFERENCE ORDER; ADR PACKAGE; ECF REGISTRATION; CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : BARRY ZWARENSTEIN

By Serving : LINDA MORGENROTH, Receptionist

Address : 2099 Gateway Place, Suite 600 , San Jose, California 95110

Date & Time : Thursday, December 13, 2007 @ 1:00 p.m.

Witness fees were : Not applicable.

Person serving:

Mike Weeker

**Wheels of Justice, Inc.**

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 617

(3) County: Santa Clara

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 13, 2007

Signature: \_\_\_\_\_

Mike Weeker



LINDA M. FONG, ESQ. (124232)  
 KAPLAN FOX & KILSHEIMER LLP  
 350 Sansome Street, Suite 400  
 San Francisco, California 94104  
 Telephone: (415) 772-4700  
 Attorneys for: PETER LIEN

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s) : KURT HILL

Defendant(s) : VERIFONE HOLDINGS, INC.

Hearing Date:

Time:

Dept.

Invoice No. W2488561

DECLARATION RE DILIGENCE

Case No. CV 07-6238 MHP

I Mike Weeker, and any employees or independent contractors retained by  
 WHEELS OF JUSTICE, INC. are and were on the dates mentioned herein over the age of eighteen years  
 and not a party to this action. Personal service was attempted on

**BARRY ZWARENSTEIN**

- (3) Alternate Address : ,  
 (2) Business Address : 2099 Gateway Place, Suite 600, San Jose, California 95110  
 (1) Residence Address : Unknown,

<u>Date and time of attempt(s):</u>		<u>Reason for non-service:</u>	<u>Loc</u>
		Business Hours 9:00 a.m. to 5:00 p.m.	
12/11/07	12:35 p.m.	Served LUCY LEE, Legal Department on behalf of Verifone Holdins, Inc.	B
12/11/07	12:35 p.m.	Subjects not in. They are in a meeting, offsite.	B
12/12/07	10:25 a.m.	Subject not in.	B
12/13/07	1:00 p.m.	Subserved LINDA MORGENROTH, Receptionist for Bergeron and Zwarenstein.	B

This Declaration is based upon business records maintained in the normal course of business  
 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
 true and correct.

Executed on December 13, 2007

Signature: \_\_\_\_\_

Mike Weeker



Printed on recycled paper

**WHEELS OF JUSTICE, INC.,** 657 Mission Street, Suite 502 San Francisco, CA 94105 (415) 546-6000



Attorney Or Party Without Attorney (Name and Address): LINDA M. FONG, ESQ. (124232) KAPLAN FOX & KILSHEIMER LLP 350 Sansome Street, Suite 400 San Francisco, California 94104		Telephone: (415) 772-4700		FOR COURT USE ONLY	
Attorneys for: PETER LIEN		Ref. No. Or File No. W2488561			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA					
Plaintiff: KURT HILL					
Defendant: VERIFONE HOLDINGS, INC.					
POS BY MAIL		Hearing Date:	Time:	Dept/Div:	Case Number: CV 07-6238 MHP

At the time of service I was at least 18 years of age and not a party to this action.  
On December 13, 2007, I served the within :

SUMMONS IN A CIVIL ACTION; COMPLAINT ; INITIAL CASE MANAGEMENT SCHEDULING ORDER; CASE MANAGEMENT CONFERENCE ORDER; ADR PACKAGE; ECF REGISTRATION; CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

on the defendant in the within action by placing a true copy in a sealed envelope with postage fully prepaid for first class, in the United States mail at San Francisco, California, addressed as follows:

BARRY ZWARENSTEIN  
VERIFONE HOLDINGS, INC

2099 Gateway Place, Suite 600  
San Jose, California 95110

Person serving:

Scott Simons

**Wheels of Justice, Inc.**

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.:

(3) County:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 13, 2007

Signature: \_\_\_\_\_

Scott Simons

